INDEX—ALIMONY

ALIMONY

defined, 183, 216, 251, in Michigan law, 274; effect of changing social conditions on, 194-195; infrequency of "racketeering" in, 184-291; need for eliminating fault from, 195, 292; whether awarded after divorce decree, 202, statutory descriptions of, 202; right of guilty wife to, 202; right of husband to, 206; statutory provisions concerning: form and amount of, 203-204; security for payment of, 204-205; enforcement of awards of, 205-206, 252; transfers in fraud of, 208-209; grant of, in cases of limited divorce, 210-211; principal trends in American statute law of, 211-212; statistics on awards of, in Ohio, 183, 213-215, in Maryland, 215, in Michigan, 274; factors in award of: financial needs of wife, 217-218, husband's estate, 218, husband's earning capacity, 218, 279, husband's debts, 219, 279, conduct of parties, 219-220, circumstances of marriage, 220, social status, age, health, duration of marriage, 221, analogy to dower, 221; effect of ante and post nuptial agreements on, 219; judicial process in appellate cases of, 221-224; infrequency of reversals in cases of, 223-224; statistics on non-compliance of decrees for, 279; cases illustrating problems in enforcement of, 280-282; economic importance of, to divorced wife, 290-291. See Discretion, Enforcement of Foreign Decrees, Fault, French Law of Alimony, German Law of Alimony, Modification of Alimony Awards, Property Settlements, Psychological Factors in Alimony Cases.

ALIMONY, History of

alimony in ecclesiastical courts in divorce a mensa et thoro, 197-200, alimony denied in absolute divorce, 201; alimony in Parliamentary divorces, 199-200; award of temporary alimony, 200, 207; enforcement of awards in ecclesiastical courts, 201; principal American departures from ecclesiastical rules, 211-212.

ALIMONY, Temporary (Pendente Lite)

award of, in ecclesiastical courts, 200-201; statutory authority for, 207-208; discretion in award of, 216-217; refusal to enforce foreign decrees for, 264-265.

Barber v. Barber, 254, 258, 260, 268.
Battey, Ex'r. v. Holbrook, 251.
Boissevain v. Boissevain, 271.
Carson v. Carson, 245.

CHILDREN

protection of, as objective of laws relating to family, 187, 189; need for giving primary con-

sideration to welfare of, in alimony cases, 195-196; conflicting claims of, of first and second marriages, 242, 245-246, 277-279, 280-282; problems arising from parent's privilege to visit, 275-277; attitude toward support of, and of divorced wife contrasted, 284.

Cohen v. Cohen, 238.
Cousineau v. Cousineau, 269.
Cropsey v. Cropsey, 245.
Cummings v. Cummings, 266.
Cusna v. Cusna, 232.
Curran v. Curran, 262.
Curtiss v. Fisher, 244.

David v. David, 239.

Discretion, Judicial

in alimony cases: need for, 195; control of, by appellate courts, 217; inadequacy of guidance to, given by appellate opinions, 221-224; use of, in property settlement cases, illustrated, 227-230, criticized, 231, 233-235.

Division of Property

See Property Settlements.

Divorce

effect of ecclesiastical views on, 187; change in social attitudes toward, 193; in early English law, 197-198; increase in American statutes permitting limited, 210.

Domestic Relations Courts

need for, in handling alimony cases, 196, 248-249.

Enforcement of Foreign Alimony Decrees

nature and importance of problem of, 250-251; "full faith and credit clause" as basis for, 252-253; problem of, where decree not subject to modification, 253-254; analysis of leading cases on, where decree subject to modification, 254-261; test for granting full faith and credit in, 261; burden of proof as to foreign law in cases of, 262-265; decisions evidencing liberality in, 263-264; denial of, in cases of temporary alimony, 264, criticized, 265; denial of, as to future instalments, 265-267; rules as to, summarized, 267; tendency to deny local alimony remedies in, 267-268, contrary view, 269-271, approved, 272-273; criminal proceedings for, 275.

Family

significance of, in society, 186-187; legal and ecclesiastical safeguards of, 187-188; effect of economic changes on, 192-193.

Fanchier v. Gammill, 268, 270.

Fault

of spouses as basis for alimony, criticized, 190, 292; religious source of importance attached to, 1m
marital cases, 190; award of alimony despite, in Parliamentary divorces, 199-200, under American statutes, 202; effect of, on amount of award, 219-220; impropriety of, as factor in property settlements, 229, 234-235.


French Law of Alimony
adaptation of Code of 1804 to changing economic conditions, 293-294; problem of temporary alimony as affected by marriage settlements, 295; procedure relating to grant of temporary alimony, 295-296; temporary alimony compared to other allowances, 296-297; criminal penalty for non-payment of temporary alimony, 297; juridical nature of permanent alimony, 298-300; effect of change of circumstances of parties on permanent alimony, 299-300; criminal penalty for non-payment of permanent alimony, 300.

Friend of the Court

German Law of Alimony
under Civil Code: conception of institution of marriage under political liberalism, 303-304, as affecting conception of alimony, 303-304; principles governing allowance of alimony, 304-305; conception of alimony as claim to damages, 305-306; effect of change of parties' circumstances on alimony, 306-307; status of contracts for support, 307; requirement of security for future payments, 307; enforcement of alimony claims by garnishment, 308; conveyances in fraud of alimony, 308; criminal penalty for non-payment of alimony, 308-309.
under National Socialist Law: National Socialist conception of institute of marriage, 309, as affecting conception of alimony, 309-310; provisions for granting of alimony regardless of fault, 310-312; effect of change of parties' circumstances on alimony, 312-314; grounds for extinction of claims to alimony, 314; status of contracts for support, 315; requirement of security for future payments, 315; enforcement of alimony claims by garnishment, 316; conveyances in fraud of alimony, 316-317; alimony and income taxation, 317; statistics on divorce and alimony, 317-318; bibliography on National Socialist law, 318.

German v. German, 267, 269, 270.
Gloth v. Gloth, 246.

Hewett v. Hewett, 263.
Holten v. Holten, 265, 264.
Hunt v. Monroe, 258.

Lafe v. Miller, 262.
Lindbloom v. Lindbloom, 246.
Lord v. Lord, 243.

Marriage
effect of economic insecurity on, 188-189; interests of State in matters affecting, 187, 189; variations in laws relating to, 190; significance of property ownership in, 235.


Modification of Alimony Awards
statutes authorizing, 203; question of, distinguished from revision on appeal, 236-237; legal basis for, 237; need for proof of changed conditions to justify, 237-238; as affected by changes in husband's condition: decline in income, 239-241, ill-health, 240, earning capacity, 241, increase in estate, 241, remarriage and children, 242-243; as affected by changes in wife's condition: earning capacity, 243-244, ill-health, 244, remarriage, 203, 244-246, immoral conduct, 246-247; status of agreements for, 247; importance of judicial discretion in, 247-249; need for flexibility in original award to avoid, 248; cases illustrating problems of, 280-282.

Muir v. Muir, 220, 221.

Ostrander v. Ostrander, 269, 270.
Pennington v. Gibson, 253.
Phillips v. Kepler, 263.

Property Settlements
need for reform in law of, 225-227; states classified as to law of, 227; exercise of judicial discretion as to, illustated, 227-229; superiority of Louisiana community property rules as to, 230-231; exercise of judicial discretion as to, in western community property states, illustrated, 231-233, criticized, 233-235; impropriety of fault as factor in cases of, 229, 234-235.

Psychological Factors in Alimony Cases
need for official expert to handle, 196; enforcement problems where father remarries, 275-276, where wife remarries, 276; alimony as accentuating anomolies of divorce, 283-284, 285-287; attitude toward payment of alimony and support of children contrasted, 284; as affected by varying social attitudes toward alimony, 284-285, by attitude of parties toward money, 287-288; payment of alimony as compensation for marital wrongs, 288, as symbol of power, 289, as means of vengeance, 290.

Quagelli v. Quagelli, 232.
Shapiro v. Shapiro, 232.
Shattuck v. Shattuck, 243.
Shibley v. Shibley, 269.

Tipton v. Tipton, 231.
Wagner v. Wagner, 258.
Whithorn v. Whithorn, 220.
Williams v. Williams, 239.